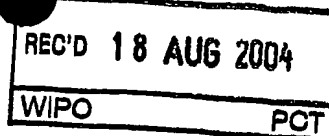


Rec'd PTO 14 OCT 2004

10/511852

PATENT COOPERATION TREATY

PCT



INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)


(Rationalised Report according to the Notice of the President of the EPO published in the OJ11/2001)

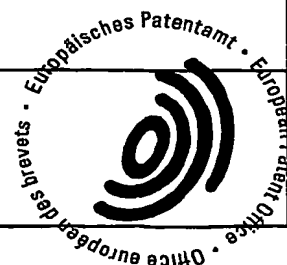
|   |   |   |
|---|---|---|
| Applicant's or agent's file reference<br><b>HP/5-22660</b>                                      | <b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416) |   |
| International application No.<br><b>PCT/EP03/03870</b>  | International filing date (day/month/year)<br><b>14/04/2003</b>   | Priority date (day/month/year)<br><b>17/04/2002</b> |
| International Patent Classification (IPC) or national classification and IPC<br><b>A61K7/42</b> |   |   |
| Applicant<br><b>CIBA SPECIALITY CHEMICALS HOLDING INC. et al</b>                                |   |   |

- This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
- This **REPORT** consists of a total of 2 sheets, including this cover sheet.  
☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consists of a total of \_\_\_\_\_ sheets.

- This report contains indications relating to the following items:
  - ☒ Basis of the report
  - ☐ Priority
  - ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
  - ☐ Lack of unity of invention
  - ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
  - ☐ Certain documents cited
  - ☐ Certain defects in the international application
  - ☐ Certain observations on the international application

|   |  |
|---|--|
| Date of submission of the demand<br><b>03/11/2003</b>   | Date of completion of this report<br><b>09/08/2004</b>                   |
| Name and mailing address of the IPEA/<br> European Patent Office, P.B. 5818 Patentlaan 2<br>NL-2280 HV Rijswijk - Netherlands<br>Tel.: (+31-70) 340-2040<br>Fax: (+31-70) 340-3016 | Authorized officer<br><b>STEVNSBORG N</b><br><br>Tel. (+49-89) 2399 2828 |



**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

---

International application No. PCT/EP03/03870

**I. Basis of the report**

The basis of this international preliminary examination is the application as originally filed.

**V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability**

In light of the documents cited in the international search report, it is considered that the invention as defined in at least some of the claims does not appear to meet the criteria mentioned in Article 33(1) PCT, i.e. does not appear to be novel and/or to involve an inventive step (see international search report, in particular the documents cited X and/or Y and corresponding claim references).

## PATENT COOPERATION TREATY

WO 03/086341  
PCT/EP03/03870

From the INTERNATIONAL BUREAU

AALC

PCT/EP03 14 OCT 2004

NOTICE INFORMING THE APPLICANT OF THE  
COMMUNICATION OF THE INTERNATIONAL  
APPLICATION TO THE DESIGNATED OFFICES

(PCT Rule 47.1(c), first sentence)

CIBA SPECIALTY CHEMICALS HOLDING INC.  
Patentabteilung  
Klybeckstrasse 141  
CH-4057 Basel  
SI

PATA ✓

PAT ✓

PA

Date of mailing (day/month/year)

23 October 2003 (23.10.03)

Applicant's or agent's file reference

HP/5-22660

30.10.2003

Pfreunds Schuh Hartwig

HP/5 - 22660 / A / PCT

International application No.

PCT/EP03/03870 ✓

International filing date (day/month/year)

14 April 2003 (14.04.03) ✓

Priority date (day/month/year)

17 April 2002 (17.04.02) ✓

Applicant

CIBA SPECIALTY CHEMICALS HOLDING INC. ✓

(=EP/P1)

1. Notice is hereby given that the International Bureau has **communicated**, as provided in Article 20, the international application to the following designated Offices on the date indicated above as the date of mailing of this notice:

AU, AZ, BY, CH, CN, CO, DE, DZ, HU, JP, KG, KP, KR, MD, MK, MZ, RU, TM, US

In accordance with Rule 47.1(c), third sentence, those Offices will accept the present notice as conclusive evidence that the communication of the international application has duly taken place on the date of mailing indicated above and no copy of the international application is required to be furnished by the applicant to the designated Office(s).

2. The following designated Offices have waived the requirement for such a communication at this time:

AE, AG, AL, AM, AP, AT, BA, BB, BG, BR, BZ, CA, CR, CU, CZ, DK, DM, EA, EC, EE, EP, ES, FI, GB, GD, GE, GH, GM, HR, ID, IL, IN, IS, KE, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MG, MN, MW, MX, NI, NO, NZ, OA, OM, PH, PL, PT, RO, SC, SD, SE, SG, SK, SL, TJ, TN, TR, TT, TZ, UA, UG, UZ, VC, VN, YU, ZA, ZM, ZW

The communication will be made to those Offices only upon their request. Furthermore, those Offices do not require the applicant to furnish a copy of the international application (Rule 49.1(a-bis)).

3. Enclosed with this notice is a copy of the international application as published by the International Bureau on 23 October 2003 (23.10.03) under No. 03/086341

4. **TIME LIMITS for filing a demand for international preliminary examination and for entry into the national phase**

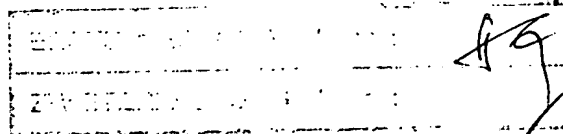
The applicable time limit for entering the national phase will, **subject to what is said in the following paragraph**, be **30 MONTHS** from the priority date, not only in respect of any elected Office if a demand for international preliminary examination is filed before the expiration of **19 months** from the priority date, but also in respect of any designated Office, in the absence of filing of such demand, where Article 22(1) as modified with effect from 1 April 2002 applies in respect of that designated Office. For further details, see *PCT Gazette* No. 44/2001 of 1 November 2001, pages 19926, 19932 and 19934, as well as the *PCT Newsletter*, October and November 2001 and February 2002 issues.

In practice, **time limits other than the 30-month time limit** will continue to apply, for various periods of time, in respect of certain designated or elected Offices. For **regular updates on the applicable time limits** (20, 21, 30 or 31 months, or other time limit), Office by Office, refer to the *PCT Gazette*, the *PCT Newsletter* and the *PCT Applicant's Guide*, Volume II, National Chapters, all available from WIPO's Internet site, at <http://www.wipo.int/pct/en/index.html>.

For filing a **demand for international preliminary examination**, see the *PCT Applicant's Guide*, Volume I/A, Chapter IX. Only an applicant who is a national or resident of a PCT Contracting State which is bound by Chapter II has the right to file a demand for international preliminary examination (at present, all PCT Contracting States are bound by Chapter II).

It is the applicant's **sole responsibility** to monitor all these time limits.

30.10.2003



The International Bureau of WIPO  
34, chemin des Colombettes  
1211 Geneva 20, Switzerland

Authorized officer

Judith Zahra

Facsimile No. (41-22) 740.14.35

Telephone No. (41-22) 338.91.11